

SEP 30 2004

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Facsimile Cover Sheet

To: Commissioner for Patents for Examiner Debbie M. Le Group Art Unit 2177	Facsimile No.: 703/872-9306
From: Dell Whitton Paralegal to Duke Yee	No. of Pages Including Cover Sheet: 3
Message: Enclosed herewith: <ul style="list-style-type: none">• Transmittal Document; and• Notice of Appeal.	
Re: Application No. 09/439,054 Attorney Docket No: AT9-99-234	
Date: Thursday, September 30, 2004	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Gusler et al.**Serial No.: **09/439,054**Filed: **November 12, 1999**For: **Enhanced Backup and Recovery
Methodology**§
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§Group Art Unit: **2177**Examiner: **Le, Debbie M.**Attorney Docket No.: **AT9-99-234**RECEIVED
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By:


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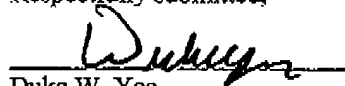
Sir:

ENCLOSED HEREWITH:

- Notice of Appeal

A fee of \$330.00 is believed to be necessary. Please charge this fee to IBM Corporation Deposit Account 09-0447. In the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account 09-0447.

Respectfully submitted,


Duke W. Yee

Registration No. 34,285

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Dallas, Texas 75380

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ATTORNEY FOR APPLICANTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 30 2004

In re application of: **Gusler et al.**§
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on September 30, 2004.

By: 

Dell Whitton

NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the office action dated July 30, 2004 finally rejecting claims 1, 4-17 and 20-38.

A fee of \$330.00 is believed to be necessary. Please charge this fee to IBM Corporation Deposit Account No. 09-0447. In the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,


Duke W. Yee

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